

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# **Exhibit 56**

Moon Duchin , PhD  
The South Carolina State Confvs.McMaster/Alexander

July 14, 2022

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF SOUTH CAROLINA  
3 COLUMBIA DIVISION

4 THE SOUTH CAROLINA STATE  
5 CONFERENCE OF THE NAACP

6 and

7 TAIWAN SCOTT, ON BEHALF OF HIMSELF  
8 AND ALL OTHER SIMILARLY SITUATED  
9 PERSONS,

10 Plaintiffs,

11 vs.

12 Case No. 3:21-CV-03302-JMC-TJH-RMG

13 THOMAS C. ALEXANDER, IN HIS OFFICIAL  
14 CAPACITY AS PRESIDENT OF THE SENATE;  
15 LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY  
16 AS CHAIRMAN OF THE SENATE JUDICIARY  
17 COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL  
18 CAPACITY AS SPEAKER OF THE HOUSE OF  
19 REPRESENTATIVES; CHRIS MURPHY, IN HIS  
20 OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE  
21 OF REPRESENTATIVES JUDICIARY COMMITTEE;  
22 WALLACE H. JORDAN, IN HIS OFFICIAL CAPACITY  
23 AS CHAIRMAN OF THE HOUSE OF REPRESENTATIVES  
24 ELECTIONS LAW SUBCOMMITTEE; HOWARD KNAPP,  
25 IN HIS OFFICIAL CAPACITY AS INTERIM  
EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA  
STATE ELECTION COMMISSION; JOHN WELLS,  
JOANNE DAY, CLIFFORD J. EDLER, LINDA MCCALL,  
AND SCOTT MOSELEY, IN THEIR OFFICIAL  
CAPACITIES AS MEMBERS OF THE SOUTH CAROLINA  
STATE ELECTION COMMISSION,

Defendants.

20  
21  
22 DEPOSITION OF: MOON DUCHIN, PHD  
(Via Videoconference)

23 DATE: Wednesday, June 22, 2022

24 TIME: 10:13 a.m.  
25

1 Sukovich and Roberts. Is that right?

2 A. Yes. And worse than SC-NAACP2  
3 Harpootlian and the League.

4 Q. One more question about splits that  
5 don't affect population.

6 A. Yes.

7 Q. In your experience, or to your knowledge  
8 are there census blocks that do not contain any  
9 population?

10 A. In the 2010 census, 40 percent of the  
11 census blocks in the country had no population.

12 Q. And how about in the 2020 census, do you  
13 know one way or the other?

14 A. I actually don't know that number. I do  
15 know that one of the efforts the Census Bureau made  
16 in 2020 was to reduce the number of census blocks  
17 nationally. So I suspect that the number 40 percent  
18 has dropped. Irrespective of that, it is  
19 unquestionably the case that many blocks have no  
20 population.

21 Q. And does a map drawer have to put those  
22 blocks in a district somewhere?

23 A. That's an interesting question. It  
24 really depends.

25 One thing that stood out to me, in some

1 of the litigation that I have been involved in, is  
2 that sometimes maps that are presented differ in how  
3 they handle which blocks have to be assigned. So I  
4 would say that there is not complete consensus on  
5 the question of which blocks have to be assigned but  
6 that, in my view, it's best practice to assign all  
7 of the blocks in the state.

8 Q. And can assigning census blocks without  
9 population help make a district to be contiguous of  
10 a particular shape or something like that?

11 A. Definitely.

12 Q. Section 4.5 addresses Incumbency. And  
13 you have listed here incumbent pairings in various  
14 plans. Is that right?

15 A. I have.

16 Q. Where did you get the incumbent  
17 residency information from?

18 A. This is from the shapefile that I  
19 mentioned with electoral data that was provided by  
20 counsel.

21 Q. And so it was preloaded in that file?  
22 You didn't get it from somewhere else or merge two  
23 files together or anything like that?

24 A. So shapefiles -- even though we say a  
25 shapefile, a shapefile is actually a collection of

1 files. And so it's a little bit insubstantial to  
2 talk about whether things were in separate files or  
3 the same one, but it was all in the same data  
4 package. It was all in the same delivery.

5 Q. And before I go to section 5 I want to  
6 go back and just round out a few questions on this  
7 section 4.

8 A. Yes.

9 Q. Did you omit from section 4 any  
10 traditional criteria contained in the General  
11 Assembly's Guidelines?

12 A. I made an effort to address all the ones  
13 that had high billing. There isn't a numerical  
14 discussion of core retention. But again, as we  
15 reviewed when we looked at the Guidelines before,  
16 core retention is kind of packaged with other  
17 considerations in the Guidelines, and it wasn't a  
18 clear heading, in particular, in the House  
19 Guidelines. So I do not give core retention  
20 statistics across the plans but I do give core  
21 retention statistics in places where I think they  
22 are relevant in the report.

23 Q. And what about VTD splits, did you give  
24 statistics on VTD splits here?

25 A. It does not look like I did give